

Appln. No. 09/716,356  
Amd. dated June 9, 2006  
Reply to Office Action of March 28, 2006

#### **REMARKS**

The Office Action has been carefully reviewed. No claim is allowed. Claims 6-9 and 19 presently appear in this application and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

Claims 1 and 4-9 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement for fragments of SEQ ID NO:6 which induce interferon- $\gamma$  production in immunocompetent cells. The examiner indicates that the rejection is not applied against claims 2 and 19 because, although the claims read on fragments of SEQ ID NO:6, the claims also require that the polypeptide in the composition, whether of SEQ ID NO:6 or a fragment thereof, meets a molecular weight limitation. This rejection is obviated by the cancellation of claims 1, 2, 4 and 5 without prejudice and the amendment to claim 6 to rewrite it as an independent claim incorporating the features of cancelled claims 1 and 2.

Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claim 1 has been rejected under 35 U.S.C. §101 as claiming the same invention as that of claim 29 of prior U.S.

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Patent 6,214,584. This rejection is made moot by the  
cancellation without prejudice of rejected claim 1.

Reconsideration and withdrawal of the rejection are  
therefore respectfully requested.

In view of the above, the claims comply with 35 U.S.C.  
§112 and define patentable subject matter warranting their  
allowance. Favorable consideration and early allowance are  
earnestly urged.

Respectfully submitted,

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